

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed July 19, 2005 (Paper No. 050711). Upon entry of this response, claims 83-111 are pending in the application. In this response, claims 83, 94, and 96 have been amended, and claims 108-111 have been added. Applicants respectfully request that the amendments being filed herewith be entered and request that there be reconsideration of all pending claims.

1. **Claim to Priority**

Applicants do not address in this response the validity of any assertions made in the Office Action regarding the priority of the instant application. Therefore, Applicants should not be presumed to agree with any statements made in the Office Action regarding the priority of the instant application unless otherwise specifically indicated by Applicants.

2. **Claim Objections**

Claim 94 has been objected to for improper antecedent basis. Specifically, the Office Action requires that “the STT” be amended to “the interactive media services client.” Applicant respectfully submits that the amendment to claim 94 addresses the objection, and requests that the objection be withdrawn.

3. **Rejection of Claims 83-86, 91, 93-99, and 105-107 under 35 U.S.C. §102**

Claims 83-86, 91, 93-99, and 105-107 have been rejected under §102(b) as allegedly anticipated by *Goode et al.* (U.S. 6,166,730). Applicants respectfully submit that this rejection has been overcome by the claim amendments herein. A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See,*

e.g., *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983).

a. Claims 83 and 96

The Office Action alleges that the feature of “receiving, by the interactive media services client, a first user input enabling the user to extend the access duration” is disclosed by *Goode et al.* using either of two different interpretations. The first interpretation discussed in the Office Action is “wherein the user simply reorders the same movie at a later point in time.” (Office Action, p. 5, first para.) Applicants have amended claims 83 and 96 to clarify that the user input is received during the access duration, and respectfully submit that the rejection has been overcome.

The Office Action alleges an alternative interpretation in which *Goode et al.* discloses an “implicit usage scenario involving two ‘interactive media services clients’ [118] locatable within a household.” (Office Action, p. 5, second para.) The Office Action further describes this usage scenario as follows:

Upon returning home 2 hours later and with the second user still watching the presentation, the first user using ‘interactive media services client’ [118]A, is required to purchase another copy of the ‘on-demand movie’ (Figure 10) in order to ‘enable the [user of the interactive media services client’ [118A] to subsequently ‘access the on-demand movie in order to continue watching it. (Office Action, p. 6, lines 8-13.)

Applicant respectfully submits that the teaching in *Goode et al.* that the user of client 118A purchases another copy of the movie is *not* equivalent to a “first user input enabling the user to extend the access duration.” *Goode et al.* teaches that in this scenario, the purchase procedure is the same as an initial purchase. (Col. 17, lines 35-40.) This initial purchase procedure is described elsewhere as involving “a selected use and/or view time requested by the

user when purchasing the title (during task 705).” (Col. 15, lines 10-15.) Selecting a new use time and/or view time is not the same as “a first user input enabling the user to extend the access duration from the first value to a second value, based upon a third value specified by the user” as recited in claims 83 and 96.

For at least the reason that *Goode et al.* fails to disclose, teach or suggest the above recited features, Applicants respectfully submit that amended claims 83 and 96 overcome the rejection. Therefore, Applicants request that the rejection of claims 83 and 96 be withdrawn.

b. Claims 84-86, 91, 93-95, 97-99, and 105-107

Since claims 83 and 96 are allowable, Applicants respectfully submit that claims 84-86, 91, 93-95, 97-99, and 105-107 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claims 84-86, 91, 93-95, 97-99, and 105-107 be withdrawn.

4. Rejection of Claims 92 and 104 under 35 U.S.C. §103

Claims 92 and 104 have been rejected under §103(a) as allegedly obvious over *Goode et al.* (U.S. 6,166,730). Since claims 83 and 96 are allowable for at least the reasons discussed above, Applicants respectfully submit that claims 92 and 104 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claims 92 and 104 be withdrawn.

5. Rejection of Claims 87, 88, 90, 100, 101, and 103 under 35 U.S.C. §103

Claims 87, 88, 90, 100, 101, and 103 have been rejected under §103(a) as allegedly obvious over *Goode et al.* (U.S. 6,166,730) in view of *Lett et al.* (U.S. 5,592,551). Since claims 83 and 96 are allowable for at least the reasons discussed above, Applicants respectfully submit that claims 87, 88, 90, 100, 101, and 103 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claims 87, 88, 90, 100, 101, and 103 be withdrawn.

6. Rejection of Claims 89 and 102 under 35 U.S.C. §103

Claims 89 and 102 have been rejected under §103(a) as allegedly obvious over *Goode et al.* (U.S. 6,166,730) in view of *Lett et al.* (U.S. 5,592,551) and further in view of *White et al.* (U.S. 6,628,302). Since claims 83 and 96 are allowable for at least the reasons discussed above, Applicants respectfully submit that claims 89 and 102 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claims 89 and 102 be withdrawn.

7. New Claims

Applicants submit that new claims 108-111 are allowable over the cited references. New claims 108-111 are dependent claims, and are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). New claims 108-111 are also allowable for the separate and additional reasons discussed below. Therefore, Applicants request that the Examiner enter and allow the new claims.

Claims 108 and 110 are allowable for at least the additional reason that the cited references do not disclose, teach, or suggest at least the feature of “granting the interactive media services client access to the movie until the access duration has expired” or “at least one processor that is programmed by at least the program code to enable the STT to...grant the interactive media services client access to the movie until the access duration has expired.”

Claims 109 and 111 are allowable for at least the reason that the cited references do not disclose, teach, or suggest “granting the interactive media services client access to the movie during the whole of the access duration” or “at least one processor that is programmed by at least the program code to enable the STT to...grant the interactive media services client access to the movie for the whole of the access duration.”

CONCLUSION

Applicants respectfully request that all outstanding objections and rejections be withdrawn and that this application and presently pending claims 83-111 allowed to issue. Any statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well-known for at least the specific and particular reason that the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions. If the Examiner has any questions or comments regarding Applicants' response, the Examiner is encouraged to telephone Applicants' undersigned counsel.

Respectfully submitted,

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